



CITY OF TITUSVILLE

BIRTHPLACE OF THE OIL INDUSTRY



COUNCIL PROCEEDINGS

May 26, 2009

The regular meeting of Titusville City Council was called to order by Mayor Nystrom in the Conference Room at the Titusville Redevelopment Authority at 6:00 p.m. The Invocation was given by Reverend Bill Blair. The Pledge of Allegiance was led by Mayor Nystrom. Present at the meeting were Mayor James Nystrom, Councilmen John Frye, Patrick Cartney, Councilwoman Bonnie Hull, Pennie Maclean, City Manager. Tom Boyle represented The Titusville Herald. It was moved by Mrs. Hull, seconded by Mr. Cartney, and carried unanimously to adopt the meeting Agenda as prepared. It was moved by Mr. Frye, seconded by Mrs. Hull, and carried unanimously to accept the minutes of the regular meeting of May 12, 2009 as submitted and place on file.

PUBLIC PARTICIPATION - pertaining to agenda items - With regard to the proposed Zoning Ordinance, Mrs. Leah Carter read a letter from Andy English, Columbus, Ohio who wanted to share his concern for the future of the IOOF building and the future of the downtown historic district. (Copy of letter attached.) Mrs. Carter wanted to bring to their attention Mr. English's comment - "Does this new (Zoning) Ordinance follow what is "standard" to the state or does it protect "sense of place" and community vision of Titusville.

BILL LISTING - It was moved by Mr. Frye, seconded by Mr. Cartney, and carried unanimously to ratify the bill listing warrants dated May 15, 2009 and May 22, 2009. It was moved by Mr. Frye, seconded by Mrs. Hull, and carried unanimously to approve the bill listing warrant dated May 27, 2009.

OLD BUSINESS

COUNCIL BILL NO. 3 OF 2009 - Proposed Ordinance No. 3182 - An Ordinance of the City of Titusville, County of Crawford, Commonwealth of Pennsylvania, adopting a Zoning Ordinance and a Zoning map; dividing the City into ten zoning districts and two overlay districts; setting forth specific regulations applicable to each zoning district; adopting general regulations with respect to nonconforming uses and nonconforming structures, off-street loading and parking, and other specified uses within the City of Titusville; enacting a system of administration and enforcement of the Zoning Ordinance including the prescription of penalties for violation thereof, and methods for appeal; creating a Zoning Hearing Board with specific jurisdiction to hear challenges to the validity of a Land Use Ordinance and appeals from determinations of the Zoning Officer or City Engineer and to consider applications for variances and special exceptions and other matters; setting forth requirements to be met for the granting of a variance;

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COUNCIL BILL NO. 3 OF 2009 - (Continued)

enacting a procedure for the consideration of conditional uses; creating an Historic Overlay District and providing for certain procedures related thereto, including the requirement for a permit for certain activities within the Historical Overlay District and for a Design Review Committee to pass upon certain matters related to new construction within the Historical Overlay District, and providing for penalties and enforcement for violations thereof; and enacting certain definitions applicable to the Zoning Ordinance.

It was moved by Mrs. Hull, seconded by Mr. Frye, and carried unanimously to adopt Council Bill No. 3 on second reading.

Mr. Frye thanked all those who worked on this Ordinance.

COUNCIL MEETING DATES & TIME - It was moved by Mr. Frye, seconded by Mrs. Hull, and carried unanimously to set the meeting time for both work sessions and regular meetings during the months of June, July, and August at 5:30 p.m. Mayor Nystrom stated that the work sessions have been scheduled on the first and second Tuesday of each month and regular meetings on the third Tuesday of each month in June, July, and August. All meetings are held at the Titusville Redevelopment Authority, 4th. Floor, Towne Square Building, 110 W. Spring Street except for the July 7, 2009 work session which will be held at Central Towers.

NEW BUSINESS

RESOLUTION NO. 8 OF 2009 - A Resolution of the City Council of the City of Titusville, Crawford County, Pennsylvania, to retain a third party agency as the Municipal Code Official and to authorize and approve a contract with Construction Code Inspectors, Inc. to serve in said capacity. It was moved by Mrs. Hull, seconded by Mr. Frye, and carried unanimously to adopt Resolution No. 8 of 2009.

ACCEPT RESIGNATION - It was moved by Mr. Frye, seconded by Mr. Cartney, and carried unanimously to accept the resignation of Esther Smith from Titusville City Council.

FILLING OF VACANCY ON CITY COUNCIL - It was moved by Mrs. Hull, seconded by Mr. Frye, and carried unanimously to appoint Jay V. Reese, 144 White Oak Drive, to fill the vacancy created by the resignation of Esther Smith.

Mayor Nystrom stated that Jay appears on the ballot in the fall election and because of that, with the resignation of Esther, they felt it best to fill the position as soon as possible and get Jay some experience before he gets on the first of the year.

Ms. Maclean administered the Oath of Office to Mr. Reese.

PUBLIC PARTICIPATION

Reverend Bill Blair made comments concerning Article 745 and read the definition of "public place". Rev. Blair said he was told the Solicitor believes Article 745 does not apply to this and he disagrees with him. Rev. Blair also commented on Article 336. Rev. Blair stated that they advertised and recruited members on their website before the adult business license was issued. Rev. Blair also believes work was done in the building without a permit. Rev. Blair stated he would like our elected officials to revoke this license and is calling on them to do that. Rev. Blair stated if this comes to town, churches will be the ones picking up the broken pieces.

Jerry Wagner, Chairman of the Social Action Committee with the Titusville Area Ministerium, stated he wanted to bring to Council's attention the fact that this particular entity was doing business prior to the fact that they became public knowledge. Mr. Wagner distributed copies to Council of information that was displayed on their website. Mr. Wagner stated that the original was written by the administrator February 11, 2009 and was last updated February 19, 2009. This was done and it had a phone number you could call. Mr. Wagner researched the number and found it was an Armstrong telephone number and was assigned to 227 West Spring Street, Titusville, PA. Mr. Wagner stated he found that out on February 24, 2009. Mr. Wagner stated to him this constitutes a violation of the law and he would really like to see them shut down.

Mayor Nystrom stated they are not prepared to take a vote tonight. They will take the information to our Solicitor and ask for him to render an opinion for Council.

Philip Taylor, 309 West Spruce Street - wondered if the information that was given to them tonight, if they feel that this is enough to at least postpone what is happening. Mayor Nystrom stated he can not give them an opinion on what they have given them tonight without there being some conversation about it.

Dennis Winton, 415 West Walnut Street - as governing body of this City, do you have authority to say you do not want this business. Mayor Nystrom stated he is not an attorney but he does not believe they have the liberty to say something cannot be here.

Pastor Pecoraro commented that it seems to him there was some misrepresentation on the application which might serve to invalidate the application - (soliciting business contacts before the permit was issued.)

COMMENTS BY MAYOR AND/OR COUNCIL/COMMITTEE REPORTS

Mr. Frye thanked the citizens who have worked hard and have swept out in front of their houses and places of businesses. Mr. Frye also congratulated Brent Henderson and the track team - Brent for his 100th victory this year and the boys' track team for their showing in Districts and then several went on to States and how well they did there.

Mrs. Hull thanked everyone in attendance tonight and said she understands exactly where they are coming from and that they will do due diligence.

Mr. Cartney stated he would like the Wellhead Protection Committee to meet as soon as possible. Mr. Cartney stated that Hasbroucks want to extend their mining which would put them 1800' from our water wells.

Ms. Maclean encouraged the residents to talk to their friends in Oil Creek Township. Ms. Maclean stated she has very great concerns about this and it is a critical, critical item in her mind.

Congratulations were extended to Councilman Jay Reese.

It was moved by Mr. Reese, seconded by Mr. Frye, and carried unanimously to adjourn the meeting to a legal session followed by immediate adjournment. Meeting adjourned at 7:00 p.m.

Suzanne Birtciel
Recording Secretary